

HISTORIC PRESERVATION COMMISSION

Minutes

March 8, 2007
Salisbury, North Carolina

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, March 8, 2007, in the Council Chambers at the City Hall, 217 S. Main Street.

The meeting was called to order by the Vice-Chairman, Wayne Whitman.

Other members present were: Jack Errante, Raemi Evans, Ronald Fleming, Susan Hurt, Judy Kandl, Anne Lyles, and Anne Waters.

Absent: Michael Young

Wayne Whitman welcomed all persons present and read the meeting's purpose and procedures.

Mr. Whitman recognized Raemi Evans whose term as a Commission member will expire on March 31st. Commission members joined Mr. Whitman with applause for her service on the Commission.

Requests for Certificates of Appropriateness

H-05-07 313 N. Ellis St. – Greg & Gwen Matthews, owner

Request: Construction of a 14' x 20' garage at the rear of the property.

Wendy Spry reminded the Commission that Mrs. Matthews was at the February meeting but returned this month to present more accurate plans.

Gwen Matthews was sworn to give testimony for the request. Staff presented slides.

Mrs. Matthews informed the Commission that the garage would be constructed in the rear property facing the back of 317 N. Ellis St., and 5 feet from all adjacent properties. She testified that the garage would have a raised pitch for an attic that will be used as storage space. The windows in the attic will be 9-pane, matching the 9/1 windows in the house. The garage will also mimic the Mahogany cedar paneling as on lower level of the house and natural cedar shakes as on the upper dormer of the house. A drawing of the proposed garage door was shown. Mrs. Matthews stated that the side walk-in door would be simple without windows or trim. The light fixtures, as well, will match those already approved for the house.

In response to a question from Jack Errante, Mrs. Matthews stated that all the windows on the front of the house are 9/1 except for one large 12/1 window.

In response to a question from Mrs. Kandl who referred to the guideline which states that the details of the garage should be compatible with the main structure or others in the district, Mrs. Matthews said, "We will do whatever we can do within reason of keeping it looking proportionate."

There was no one present to speak in support or opposition to the request.

Jack Errante made the motion as follows: "I move that the Commission find the following facts concerning Application #H-05-07 – that Greg & Gwen Matthews, owners of 313 N. Ellis Street, appeared before the Commission and sought a Certificate of Appropriateness to construct a 14' x 20' garage at the rear of the property, that the siding, the trim around the door, the light fixtures and colors will match the main structure, and the window for the attic space will be a 9-pane window; that no one appeared before the Commission to support or oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Garages & Outbuildings, pages 24-25, guidelines 6-9 of the Residential Historic District Design Guidelines; there were no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-05-07 be granted, as amended, to Greg & Gwen Matthews, owners of 313 N. Ellis St. to make the changes detailed in the application."

Raemi Evans seconded the motion; all members present voted AYE.

H-06-07 604 N. Main St. – Charles Shuler, owner

Request: New entry doors on existing building - replacing existing door and sidelights which are not original to the building. **Moved to April meeting**

H-07-07 602 N. Main St. – Charles Shuler, owner

Request: New building adjacent/connecting to existing Shuler Pool Company building. **Moved to April meeting**

H-08-07 313 E. Fisher St. – Angela Hendricks, owner; Jeff Youngblood, agent

Request: Demolition of house that burned.

Fire Capt. Jeff Youngblood, agent, and city's Housing Inspector, was sworn to give testimony for the request.

Staff presented slides.

Capt. Youngblood informed the Commission that the house at 313 E. Fisher St. was damaged by fire on August 15, 2005 and the house has been vacant since that. He testified that after unsuccessful attempts to contact the owner, the house was written up as an abandoned structure and requested for demolition.

Capt. Youngblood stated that after finally being able to locate and speak with the present owner, Angela Hendricks, who had acquired the house from another family member, he informed her to contact Janet Gapen before proceeding further with plans for the demolition. He said, "She is now requesting to demolish the structure under my orders."

In response to a question Jack Errante who asked if asbestos was on the house, and if so, how it would be removed, Capt. Youngblood stated that it did appear so. He testified that if it indeed was, the owner would be responsible to hire a private contractor to remove the asbestos; it could be taken to the city's landfill for proper disposal. Capt. Youngblood said he would oversee that it was done.

Anne Lyles asked Capt. Youngblood if the house had the potential of being salvaged, to which he answered, "Yes, I do believe it could be salvaged." However, it was his recommendation that the house be demolished under the city's "abandoned dwellings ordinance." He said it was ruled about 30% damaged right after the fire, but has been sitting vacant for over a year. The fire, he said in response to a question from Jack Errante, was determined to be an accident due to a small appliance.

Capt. Youngblood informed the Commission that his recommendation is based solely on the demolition ordinance under the minimum housing code. He explained that he gets involved when a structure has been vacant for more than 30 days; the owner is then allowed 1 year from the date of his notification that something needs to be done with the property prior to the order for demolition. His job is not to demolish the structure, but to enforce the ordinance.

In response to questions from Jack Errante, Janet Gapen stated that staff would be responsible for taking photographs of the structure before demolition. She stated that in cases where the interior is intact, they would determine what drawings would need to be done; however, in this case a good record of photographs would be sufficient. In addition, she stated that the property owner is required to clear the site, plant the grass, and make the lot presentable which is enforced under the nuisance and abatement ordinance.

Janet Gapen further stated, in response to a question from Anne Waters, that the property owner has been advised of the potential of saving the house and the decision is entirely hers; at this time her desire is demolition.

Jack Thomason, Historic Salisbury Foundation, was sworn to speak in opposition to the request.

Mr. Thomson gave a brief description of the structure and reminded Commission members that the structure is classified as contributing. He informed the Commission that he had spoken with Angela Hendricks prior to the meeting. Ms. Hendricks informed him that even though she was making plans to move forward with the demolition, she would be willing to consider other options. However, she did not say that she was willing to withdraw the request.

Mr. Thomson stated that since the structure is listed as contributing, the Commission has the responsibility to determine that the delay would be the best option to take in order to establish good lines of communication with the owner.

In response to a question from Jack Errante, Mr. Thomson said that he was not familiar with the condition of the interior of the structure; however from photos he has been able to determine that the house has been secured and is not open to vandalism. He said the roofing material seems to be intact. Jack Errante also asked if the houses in the area were all similar in style. Mr. Thomson described them as being modest, and definitely old enough to meet the criteria of significance as far as age is concerned. He said, "There is a continuity to the streetscape."

Jack Errante commented that he would have a problem voting without knowing more about the house and its interior.

Susan Hurt reminded Commission members that "while we all appreciate the efforts of the Historic Salisbury Foundation and communicating with her, we can't really consider her statements to Mr. Thomson because her agent for this proceeding is Chief Youngblood." She stated that they have two options to consider for the demolition request – to vote for demolition of a contributing structure or to vote for up to a 365-day delay. She explained that the delay period is a time to see if there is room to negotiate and present the owner with so other options. She said, "not only is demolition a huge step but is irreversible"

With no one else present to speak in support or opposition of the request, Anne Lyles made the motion as follows: "I move that the Commission find the following facts concerning Application #H-08-07 – that Jeff Youngblood, agent for Angela Hendricks, owner of 313 E. Fisher St., appeared before the Commission and sought a Certificate of Appropriateness to demolish the burned house on the property; that Jack Thomson of the Historic Salisbury Foundation appeared before the Commission to oppose this request; I move that the Commission exercise its option to have a 365-day delay period in order to work out possibilities for the house to remain, and that a Certificate of Appropriateness be issued at the end of the delay period; this is granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 5 Demolition or Relocation of Buildings – Demolition, pages 66-69, guidelines 1 and 2 of the Residential Historic Design Guidelines; mitigating factor is that it is a contributing structure to the Brooklyn South Square Historic District; therefore, I further move that a 365-day delay period be given for Application #H-08-07, Jeff Youngblood, agent for Angela Hendricks, owner of 313 E. Fisher St. to have a further study of the possibility of saving the house

Anne Waters seconded the motion; all members present voted AYE.

The following persons volunteered to serve on the committee that will communicate with the property owner in pursuing other options, and reporting back to the Commission: Anne Lyles, Jack Errante, and Susan Hurt.

H-09-07 130 W. Innes St. – Rowan County, owner; Ken E. Deal, applicant

Request: Replace unpaved section of driveway (11'x33') on east side of building with pervious concrete. Pervious concrete will allow water and air to reach tree roots and replace an area near handicapped entrance that is a trip hazard to visitors and staff.

Tony Hilton, agent for the county, was sworn to give testimony for the request.

Staff presented slides as Mr. Hilton described an 11' x 33' unpaved area of the existing driveway that is located on the east side of the building as a trip hazard for disabled veterans and handicap citizens. He testified that the county would like to pave that area with pervious concrete which will allow water and air to reach tree roots. Mr. Hilton further testified that the material would be purchased from Home Concrete at \$135.00 p/yard. He stated that it is smooth and will look like regular concrete.

Janet Gapen stated that she was not familiar with pervious concrete in response to a question from Judy Kandl who asked if pervious concrete had been used in any historic district before or if a precedent would be set.

In response to a question from Jack Errante, Mr. Hilton testified that this was the only access for the handicap.

There was no one present to speak in support or opposition to the request.

Anne Lyles made the motion as follows: "I move that the Commission find the following facts concerning Application #H-09-07 – that Tony Hilton, applicant for Rowan County, owner of 130 W. Innes St., appeared before the Commission and sought a Certificate of Appropriateness to replace the unpaved section of the 11'x33' driveway on the east side of the building with pervious concrete; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Parking and Paving, pages 57-58, guideline 3 of the Non-Residential Historic District Design Guidelines; there are no mitigating factors; therefore, I further move that a Certificate of Appropriateness be granted to Ken Deal, applicant for Rowan County, owner of 130 W. Innes St., to make the changes detailed in the application."

Ron Fleming seconded the motion; all members present voted AYE.

H-10-07 209 S. Lee St. – Downtown Salisbury, Inc., owner; Randy Hemann, applicant

Request: Demolition of storage shed at rear of property.

Randy Hemann was sworn to give testimony for the request.

Commission members viewed the slide presentation by staff as Randy Hemann informed them that Downtown Salisbury, Inc. has purchased the property at 209 S. Lee St., and requesting approval to demolish the storage shed located at the rear of the property.

He testified that the shed has a dirt floor, and in response to a question from Judy Kandl stated that there was not a description of the shed written up in the historic district nominations.

In addition, Judy Kandl asked what the future plans were for the lot. Mr. Hemann said a lot of the houses in the area would be restored and all the plans would be revealed as soon as they are finalized.

Janet Gapen informed the Commission that they have to be careful about discussing details of future plans that would probably later require a public hearing. She said the future plans for the site is not a part of the current application.

Judy Kandl noted that the guidelines for demolition of buildings specify that the structure be cleared quickly and thoroughly. She asked Mr. Hemann if he would comply to that particular guideline, as well as the guideline which states: *Plant the site or appropriately maintain it until it is reused. If the site is to remain vacant for over one year, it should be improved to reflect an appearance consistent with other open areas in the district.*

Mr. Hemann testified that he would comply with the guidelines.

Susan Hurt asked if the chain link fence would also be removed. Mr. Hemann replied, "I think so."

In response to a question from Jack Errante, Janet Gapen read the guidelines which would apply to the demolition of a shed.

Following comments made by Judy Kandl pertaining to the shed's insignificance, Janet Gapen agreed and stated that the period of significance for the Brooklyn South Square District is 1840-1930. This, she said, indicates that the significant architecture on the contributing buildings will date from that period. She said that the description of the property was not mentioned so there is no evidence that that the shed is a significant structure to the property.

There was no one present to speak in support of the request.

Clyde Overcash was present to ask questions pertaining to the request. He began by commending Randy Hemann for what he is doing. He then asked the following questions:

- *What will replace the shed?*
- *How will it affect my property?*
- *How do we know that the new owner would not like to have the shed available for his use and to restore?*
- *If torn down, can it be rebuilt on the property line; would you have setback requirements; is it zoned correctly?*

Mr. Overcash stated that there were too many questions that need to be answered before he could make a decision as to whether it will affect his property if the buildings would be there or not.

Susan Hurt informed Mr. Overcash that Downtown Salisbury, Inc. could not do anything without getting HPC approval first. She further stated that new plans cannot be discussed until presented in a formal application when the property owner is ready to do so. As long as the owner's plans are consistent with the guidelines, she continued, the Commission would have no jurisdiction over what the owner wants.

There being no other persons present with questions, Susan Hurt made the following motion:

"I move that the Commission find the following facts concerning Application #H-10-07 – that Randy Hemann, applicant for Downtown Salisbury, Inc., owner of 209 S. Lee St., appeared before the Commission and sought a Certificate of Appropriateness to demolish a storage shed at the rear of the property; that Clyde Overcash appeared before the Commission to ask questions; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 5 – Demolition or Relocation of Buildings – Demolition, pages 68-69, guidelines 1 and 2 of the Non-Residential Historic District Design Guidelines; mitigating factors: no evidence in the documentation of the survey of the site that the shed is considered contributing to the main structure at the time of the survey; therefore, I further move that a Certificate of Appropriateness for Application #H-10-07 be granted to Randy Hemann, applicant for Downtown Salisbury, Inc., owner of 209 S. Lee St., to make the changes detailed in the application."

Jack Errante seconded the motion; all members present voted AYE.

H-11-07 213 S. Lee St. – Downtown Salisbury, Inc., owner; Randy Hemann, applicant

Request: Demolition of 2-story cinderblock apartment and 1-story apartment at rear of property.

Staff presented slides as Randy Hemann presented testimony for the demolition of a 2-story cinderblock apartment and a 1-story apartment, both located on the property at 213 S. Lee St. Mr. Hemann testified that the Lanier-Rufty Rental House, located at the front of the lot, is a contributing structure built in 1900. He stated that the National Register states that the 1-story cinderblock apartment building (not attached to the house) was built in the 1940's and the 2-story apartment complex (with 4 units) was built in 1945, both clearly outside of the period of significance for the district. He commented that neither, in his mind, were worthy of saving, and thinks that it would be good to get rid of an eyesore to the neighborhood.

Mr. Hemann stated that, as in the case of the prior request, a proposal would be brought forward that would be designed based on the guidelines as soon as all issues are worked out.

Judy Kandl asked Mr. Hemann if any of the paving and areas that now lead to the buildings would be removed as a part of the demolition. Mr. Hemann said the sidewalks would probably be removed. He said there is a lot of site work to be done on the property, but the area, for sure, would be seeded and straw would be put down.

In response to a question from Jack Errante who asked how the 2-story apartment building fits into the surrounding area, Mr. Hemann said, "In my mind it doesn't, I don't see any structures in any historic district where there is a large 2-story structure that overshadows the contributing structure in front of it."

Capt. Youngblood informed the Commission that he had inspected the property just before it was purchased by Downtown Salisbury. He said it was under order for repair and the owner had been given 90 days for compliance. The area, he stated, has been a problem for code enforcement. He said he would support the demolition. He further stated that he would be the person to oversee and make sure that the area is seeded and overlaid with straw and maintained after the demolition.

In response to Capt. Youngblood's comment that the building was under order for repair, Judy Kandl stated that she does not think disrepair or social living conditions should be considered as a condition for one of the mitigating factors as to whether or not a house should be demolished.

Matthew Cross, 214 E. Fisher St., was sworn to speak in support of the request. Mr. Cross informed the Commission that since living at the Firehouse Loft facing the subject property, it has been an eyesore with as many as 15 or 20 people living in the single building. He said that he thinks a clean-up of the area is very vital and he supports the demolition.

Clyde Overcash also came forward with comments pertaining to the request. He informed the Commission that all the trees along the property are his trees, so he would like to know what he will be looking at following the demolition, and what protection he would have. He said, "I am not interested in living beside of a parking lot with big lights that shine in his windows at night; I am not interested in gravel lots and dry mulch." He said he would like to see plans, and what the alternatives would be.

Judy Kandl reinstated the fact that if the demolition is allowed the burden is on the owner to comply with the guidelines and what is appropriate for the neighborhood.

Jack Errante asked if the following guideline would apply: *(2) Make a permanent record of a significant structure before demolition. The record shall consist of black-and-white photographs and other documents, such as drawings, that describe the architectural character and the special features of the building. The commission determines on a case-by-case basis the precise documentation of a specific building that is required and the person who is responsible for producing that documentation. The documentation must be submitted for review by the commission before the demolition. The record is retained by the City of Salisbury.*

Susan Hurt responded by saying it wouldn't be necessary because it is not historically significant.

There being no other questions or comments, the Vice-Chair called for the motion which was made by Raemi Evans as follows: “I move that the Commission find the following facts concerning Application #H-11-07 – that Randy Hemann, applicant for Downtown Salisbury, Inc., owner of 213 S. Lee Street, appeared before the Commission and sought a Certificate of Appropriateness to demolish a 2-story cinderblock apartment and 1-story apartment at the rear of the property, that Matthew Cross, 214 E. Fisher St. appeared before the Commission to support the request, and Clyde Overcash appeared with questions; this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 5 – Demolition or Relocation of Buildings – Demolition, pages 68-69, guidelines 1 and 2 of the Non-residential Historic District Design Guidelines; mitigating factor: documentation does not show evidence that these structures are contributing; therefore, I further move that a Certificate of Appropriateness for Application #H-11-07 be granted to Randy Hemann, applicant for Downtown Salisbury, Inc., owner of 214 S. Lee Street, to make the changes detailed in the application.”

Susan Hurt seconded the motion; all members present voted AYE.

Other Business

Appoint committee for nomination of 2007-2008 officers: Janet Gapen explained that the Commission needs a committee of 3 to nominate officers for the 2007-08 year. The committee would need to consist of persons who are currently non-office holding members. She stated also that current officers may be elected to the same office that they presently hold.

Anne Lyles, Jack Errante, and Ron Fleming volunteered to serve on the committee. The committee decided to meet prior to the next monthly meeting, April 12th, at 5:00 p.m.

Committee Reports

Minor Works: Following Wendy Spry’s response to questions from Jack Errante pertaining to the staff approval of the removal of an existing shed at 313 N. Ellis St., the approval listing was accepted as information as presented.

Preservation Month meeting report: Janet Gapen gave copies of the minutes from the Preservation Month committee meeting held February 21st. Following her explanation of the planned activities and events, Anne Waters informed the Commission that both Waterworks and the Rowan Library are supportive and willing to participate.

Approval of Minutes

The minutes for February 2007 were accepted as presented following corrections noted by Judy Kandl.

Adjournment

There being no other business to come before the Commission, the meeting was adjourned by the Vice- Chair.

Wayne Whitman, Vice-Chair

Judy Jordan, Secretary



April 4, 2007

Subject: The Land Development Ordinance Committee

The Land Development Ordinance Committee (LDOC) met Wednesday, April 4, 2007, at 4 p.m., in the second floor Seminar Room located at The Plaza, 100 W. Innes Street, to discuss rewriting Salisbury's ordinance code. In attendance were Karen Alexander, George Busby, Bill Burgin (Co-chair), John Casey, Mark Lewis (Co-chair), Brian Miller, Rodney Queen, Jeff Smith, Bill Wagoner, Jake Alexander and Victor Wallace.

Absent: Phil Conrad and Steve Fisher

Staff Present: Dan Mikkelson, Preston Mitchell, David Phillips, Janet Gapen, Jewell Stokes, and Patrick Kennerly

The Meeting was called to order with Bill Burgin (Co-chair) presiding. The minutes of the March 28, 2007, meeting were accepted as published.

CHAPTER SUMMARIES

The meeting began with a continuation of discussion from the previous meeting on Chapter 10, Parking. Preston Mitchell stated that all changes had been made to Chapter 10 with the exception of the last item to be discussed. Bill Burgin began the discussion of parking lot connections by referring to handout from the March 28th meeting. There was a great deal of discussion from the committee members with many different concerns and suggestions.

It was decided that parking lot connections would apply only to new construction and major revisions (defined in another Chapter) with the following provisions:

- A) HS/IC: CMX and HS/IC were changed to "required"
- B) DMX: changed to "not required" adjacent to all districts
- C) Maximum of 2 connections will be required
- D) Alley or proposed alley connection is mandatory
- E) Connection to a (through) alley shall satisfy both connections
- F) Connection to two different streets shall satisfy one connection
- G) When adjacent to an existing development without a connection, an easement may be provided in lieu of a physical connection. (We will need to establish a standard for the physical connection if the neighboring lot redevelops in the future).

H) One acre lots and smaller shall be exempt from parking lot connections (but not from alley connections).

There were no comments from the public. It was suggested and voted to cancel the next regular LDOC Committee Members Meeting scheduled for Wednesday, April 11, 2007.

It was also decided that staff would meet at their regular scheduled meeting on Monday, April 9th from 2:00-5:00 p.m. and then again staff “only” would meet on Wednesday, April 11th. Staff plans to continue discussion of the Introduction of (Chapter 11, Lighting) and (Chapter 12, Signs), and any major revisions of (Chapter 5, Architectural Standards) prior to the next LDOC Members Committee Meeting scheduled for April 18, 2007.

The meeting was adjourned at 5:30 p.m.

JS